



CLOSED CASE SUMMARY

ISSUED DATE: MAY 17, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0399

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) and Witness Employee #1 (WE#1) responded to a domestic violence (DV) call with a possible medical emergency related to mixing medications and alcohol. Community Member #1 (CM#1)—the Complainant—alleged NE#1 was unprofessional by dismissing Community Member #2 (CM#2)—the alleged DV victim, and falsely accused CM#1 of attacking WE#1. CM#1 further alleged that NE#1 biasedly sided with the alleged DV perpetrator and CM#2's son.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. That means OPA, with the Office of Inspector General's agreement, believed it could reach, and issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

OPA reviewed the complaint, body-worn video, and incident report. OPA also interviewed CM#1.

A. Complaint and OPA Interview of CM#1

The complaint was submitted to OPA via Blue Team. NE#1's supervisor, Witness Supervisor #1 (WS#1), interviewed CM#1 at the scene. During the interview, CM#1 alleged NE#1 was unprofessional and biased. CM#1 indicated she wanted the matter referred to OPA.

OPA interviewed CM#1 over the telephone. CM#1 said NE#1 did not listen to her and took CM#2's boyfriend's and son's side. CM#1 further alleged NE#1 was disrespectful. CM#1 said she filmed part of her interaction with NE#1.



CM#1 said another officer told her to step away from NE#1. CM#1 thought she was being accused of threatening NE#1.

B. Computer-Aided Dispatch Notes

On November 15, 2022, NE#1 and WE#1 responded to a 9-1-1 call with the following remarks: “[REPORTING PARTY’S] GIRLF HIGH AND [INTOXICATED], [REQUESTED] MEDICS DUE TO MIXING MEDICATION, [REQUESTED] MEDICS. BOTH IN VERBAL DISTO, FIRE NOT RESPONDING UNTIL SCENE SECURE.”

The call was later updated: “(M)POSSIBLY MIXING MEDICATION WITH METH”

A third update was added when CM#1 called 9-1-1. The dispatch notes were: “(M)[UNKOWN] FEMALE CALLED IN [POSSIBLY] ABOUT THIS ISSUE, STATED THERE’S A DV ISSUE [BETWEEN] HER FRIEND AND FRIEND’S [BOYFRIEND], SAID FEMALE HALF OF DISTO IS BIPOLAR AND BEING ABUSED BY HER [BOYFRIEND]...CALLER CLAIMED TO BE [A] FRIEND WHO’D COME OVER TO DE-ESCALATE”

C. Body-Worn Video (BWV)

OPA reviewed NE#1 and WE#1’s BWV, capturing their interaction with CM#1 and CM#2. In summary, BWV showed:

NE#1 arrived at the scene and contacted the parties. NE#1 interviewed CM#2’s boyfriend and son. CM#2’s boyfriend told NE#1 that CM#2 was prescribed medication for suicidal ideations but was not taking it. CM#2’s son said CM#2 drank an entire bottle of alcohol.

CM#1 told NE#1 that CM#2’s boyfriend and son lied about how much alcohol she and CM#2 drank. NE#1 replied, “I don’t care if [you] had shots. What I care about is a possibility that [CM#2] may have been drinking alcohol with medication, which could be potentially life-threatening.” CM#1 said that CM#2 stopped taking her medication. CM#1 also discussed CM#2’s underlying mental health and domestic issues.

NE#1 asked CM#1 about CM#2’s medical history, but she replied that she and CM#2 had “only hung out a few times.” CM#1 appeared frustrated when she tried redirecting the conversation, but NE#1 continued asking about CM#2’s medical history. NE#1 relented and asked, “Okay, so what happened?” CM#1 replied, “You do not care!” She then retrieved her phone and recorded NE#1. NE#1 told CM#1, “I’m trying to figure out what’s going on, and you’re telling the dispatcher one thing, and then you’re telling me you don’t know about a diagnosis.” NE#1 further questioned CM#1 about CM#2’s medical history, but CM#2 admitted she only had second-hand knowledge.

NE#1 started questioning CM#2. CM#2 said she had been off her medication for six months. As NE#1 questioned CM#2, during his questioning CM#1 frequently interrupted to tell NE#1 to question CM#2 about domestic abuse instead of her medical history. After CM#1 made several statements alleging that NE#1 was biased and unprofessional, CM#2 interjected, telling CM#1, “Okay, but can you not be antagonistic? ...I don’t have a problem with these officers, and I think they’re very fair.” CM#2 declined a medical evaluation and confirmed she had not mixed prescription drugs and alcohol. During their conversation, CM#1 continued commenting in the background. CM#2 asked CM#1 to stop



antagonizing the situation stating, “[NE#1]’s so professional.”

NE#1 interviewed CM#2 about the underlying domestic violence incident while CM#1 filmed. While they spoke, CM#1 stepped towards NE#1 and CM#2 to make room on the sidewalk for a pedestrian to pass. CM#1 came within two feet of NE#1. WE#1 stated, “Ma’am, you can record all you want, but please don’t get in his personal space.” CM#1 said she was not getting into NE#1’s space and explained she was letting a pedestrian pass. WE#1 apologized, stating, “Sorry, I did not see that.” However, CM#1 insisted NE#1, and WE#1 accused her of threatening NE#1.

NE#1 asked CM#2 if she wanted to discuss the domestic violence incident in private. CM#2 agreed. CM#2 said that she, her boyfriend, and her son asked CM#1 to leave numerous times and thought CM#1’s presence was “annoying.” As they walked back towards CM#2’s apartment, CM#1 followed. CM#2 turned back towards CM#1 and exclaimed, “[NE#1 & WE#1] ain’t did nothing. They’re just here to try to make sure everything is cool!” CM#2 asked CM#1 to remain outside while NE#1 and WE#1 investigated. NE#1 and WE#1 investigated the domestic violence incident without further incident.

D. Incident Report

NE#1’s incident report documented his actions and observations. NE#1’s report was consistent with BWV. NE#1 further documented his interaction with CM#1 and explained why he questioned CM#1:

I spoke to [CM#1] in order to try to ascertain if [CM#2] required an immediate medical response to address a potentially hazardous mixing of prescriptions and alcohol and/or narcotics. SFD was declining to respond until responding officers advised that it was safe to do so. I knew from the call details that [CM#1] told dispatch that her friend is “bipolar” and I questioned her further on any knowledge of [CM#2]’s diagnosed crisis issues and possible prescribed medications and possible alcohol and/or narcotics use on this date so as to ascertain if a medical response was required. In order to make a decision in my capacity of community caretaking and life safety, I asked further questions of [CM#1] and she apparently took umbrage to my line of questioning, evidently assuming that I would minimize the domestic disturbance aspect between [CM#2] and [her boyfriend] by focusing on the medical issue and [CM#2]’s possible crisis issue.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

CM#1 alleged that NE#1 engaged in bias-based policing by favoring the alleged perpetrator of domestic abuse.

Biased policing is “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL.



OPA interviewed CM#1 and reviewed the CAD information, relevant BWV, and NE#1's incident report. CM#1 alleged that NE#1 "took the side" of CM#2's boyfriend during a domestic dispute. That allegation was premised on NE#1's line of questioning about CM#2's alcohol intake after it was alleged by the opposite half of a domestic dispute that CM#2 had drank an entire bottle of an unknown alcoholic beverage. NE#1's line of questioning was not intended to determine which party was at fault. Instead, NE#1 questioned CM#1 and CM#2 to assess whether an immediate medical emergency required an SFD response. OPA did not observe NE#1 using biased language. Furthermore, NE#1 did not take any enforcement actions that appeared based on bias. NE#1 went with CM#2 to a private location to discuss the domestic incident with her and resolved the matter informally. CM#2 appeared to appreciate NE#1's handling of the call and his demeanor.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 - Allegation #2

Standards and Duties 10. Employees Shall Strive to be Professional

CM#1 alleged that NE#1 was unprofessional when responding to a domestic violence call.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." *Id.* Last, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.*

OPA reviewed NE#1 and WE#1's BWV. NE#1 was not observed using language toward CM#1 that was derogatory, contemptuous, or disrespectful. Instead, NE#1 maintained a calm and even tone despite CM#1's antagonistic behavior. CM#1 alleged that NE#1 and WE#1 treated her as a threat because WE#1 asked her to give NE#1 personal space after she stepped within approximately a foot of NE#1. WE#1 apologized immediately after CM#1 stated she came close to NE#1 to make way for a pedestrian. NE#1 did not appear threatened by CM#1, nor did he order CM#1 to step back. Rather, NE#1 de-escalated the situation by moving the interview indoors, away from CM#1.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

Recommended Finding: **Not Sustained - Unfounded (Expedited)**